

210 **IN THE HIGH COURT OF PUNJAB AND HARYANA**
AT CHANDIGARH

CRM-M-23826-2023
Date of decision: 11.08.2023

KANWARPAL SINGH	..PETITIONER
VERSUS	
STATE OF PUNJAB	..RESPONDENT

CORAM: HON’BLE MR. JUSTICE VIVEK PURI

Present: Mr. D.S.Saini, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

VIVEK PURI,J. (ORAL)

1. Custody certificate of the petitioner has been circulated today and the same is taken on record.
2. Kanwarpal Singh-petitioner is seeking regular bail in the case bearing FIR No.29 dated 30.03.2022 under Sections 354-D IPC, 1860 and Section 11 & 12 of Protection of Children from Sexual Offences Act, 2012 (Section 10 of POCSO Act has been deleted) registered at Police Station Nangal, District Rupnagar.
3. Learned counsel for the petitioner contends that the allegations against the petitioner are to the effect that he had sent obscene messages on Whats App to the victim who is stated to be aged less than 18 years at the time of occurrence. It has been submitted that the petitioner is in custody for a period of 01 year, 04 months and 12 days and is not involved in any other case. The statement of the victim in the trial Court has also been recorded.
4. Learned State counsel submits that out of 13, 05 witnesses have been examined and in the trial Court, the victim has supported the prosecution version.

It is significant to note that the petitioner is in custody for a period of

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01 year, 04 months and 12 days and is not involved in any other case. The allegations are to the effect that the petitioner had been sending obscene messages on Whats App to the victim. The statement of the victim in the trial Court has been recorded. As such, it cannot be said that the petitioner can in any manner win over or influence the victim. Still 08 witnesses remain to be examined. The conclusion of trial is likely to take sometime. No fruitful purpose will be served by detaining the petitioner in further custody. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner.

6. Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

7. The petition is allowed accordingly.

11.08.2023
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No